

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-009298

10/05/2011

HONORABLE MARIA DEL MAR VERDIN

CLERK OF THE COURT
L. Firriello
Deputy

MARK GORZEN

GREGORY G MCGILL

v.

MARC LOTENBERG, et al.

MARC LOTENBERG
7917 WILLOUGHBY AVE, # 8
WEST HOLLYWOOD CA 90046

WILLIAM H DOYLE
JOHN FRIEDEMANN
CHRISTOPHER M GOODMAN
944 MEDIA INC
C/O BILL GARR, VP
4253 N. SCOTTSDALE RD., STE. 200
SCOTTSDALE AZ 85251-3931
944 MAGAZINE
C/O BILL GARR
4253 N. SCOTTSDALE RD., STE. 200
SCOTTSDALE AZ 85251-3931
M L MEDIA INC
C/O BILL GARR
4253 N. SCOTTSDALE RD., STE. 200
SCOTTSDALE AZ 85251
GIL SHUGA

TRIAL MINUTE ENTRY
DAY 2

SUPERIOR COURT OF ARIZONA
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Prior to trial, Defendant's exhibit 26 is marked for identification.

9:39 a.m. Trial to Jury continues from October 4, 2011. Plaintiff Mark Gorzen is present and represented by counsel Gregory G. McGill. Also present is paralegal Dale Grabois. Defendant Sandra E. Portney is present and represented by counsel William H. Doyle and Dwayne Ross.

The jury is present.

Court Reporter, Hilda Lopez, is present.

Preliminary Jury Instructions are read to the jury.

Plaintiff's opening Statements are presented to the jury.

10:06 a.m. Jury leaves the courtroom. Court remains in session.

Discussion is held. Defendant moves for a mistrial based upon Plaintiff's counsel's opening remarks to the jury.

10:11 a.m. Court stands at recess.

10:13 a.m. Court reconvenes with the parties and respective counsel present.

Court Reporter, Hilda Lopez, is present.

The Court has considered Defendant's motion for a mistrial.

IT IS ORDERED granting Defendant's motion for mistrial.

IT IS FURTHER ORDERED assessing jury fees against Mr. McGill for October 4 and the morning of October 5, 2011 in the amount of \$1,243.88 (10/4 \$28.27 X 35 =\$989.45; 10/5 \$28.27 X 9 =\$254.43) and the Defendant's attorney's fees for the morning of October 5, 2011.

10:16 a.m. Court stands at recess until 1:15 p.m. when another jury will be selected.

11:25 a.m. Telephone conference is conducted. Court and Defendant's counsel, William H. Doyle are present telephonically. Plaintiff is present with his counsel Gregory G. McGill.

Court Reporter, Hilda Lopez, is present.

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Discussion is held. Mr. Doyle advises the Court that he now has a conflict with the trial days previously selected.

IT IS ORDERED the parties and Court shall re-convene at 1:30 p.m. in this division to discuss rescheduling trial.

11:28 a.m. Court stands at recess.

1:30 p.m. Court reconvenes with the Plaintiff and respective counsel present. Ms. Portney is not present. Paralegal Dale Grabois is also present.

Court Reporter, Hilda Lopez, is present.

Discussion is held re setting a new trial date.

1:38 p.m. Court stands at recess.

1:55 p.m. Court reconvenes with the Plaintiff and respective counsel present. Paralegal Dale Grabois is present.

Court Reporter, Hilda Lopez, is present.

Continued discussion is held re setting a new trial date.

2:03 p.m. Court stands at recess.

2:14 p.m. Court reconvenes with the Plaintiff and respective counsel present. Paralegal Dale Grabois is present.

Court Reporter, Hilda Lopez, is present.

Continued discussion is held re setting a new trial date.

IT IS ORDERED setting new trial date beginning **October 11, 2011 at 1:30 p.m. to 4:30 p.m. and continuing on October 12, 2011 at 9:30 a.m. to 4:30 p.m., October 13, 2011 at 9:30 a.m. to 4:30 p.m., October 18, 2011 at 9:30 a.m. to 4:30 p.m., October 19, 2011 at 9:30 a.m. to 4:30 p.m. and October 20, 2011 at 9:30 a.m. to 4:30 p.m.**

2:18 p.m. Matter concludes.

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ALERT: Effective September 1, 2011, the Arizona Supreme Court Administrative Order 2011-87 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.